



Houston Gateway Academy, Inc.

Inspiring Brilliant Minds

REQUEST FOR REVIEW **WAIVER REQUEST**

July 25, 2008

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

Form application number – 638386
Funding Request Numbers -
1766976, 1766977, 1766978,
1766979, 1766980, 1766981, 1766983
Billed Entity Numbers - 231555,
231553, 16046630.

Dear Ms. Dortch,

This is a REQUEST FOR A REVIEW of a WAIVER REQUEST appeal decision made by USAC on 07/17/2008 of the Application Filing Deadline for Funding Year 2008 of the Schools and Libraries Universal Service Support Mechanism. I am referencing CC Docket No. 02-6 as a basis for this waiver request and as per the rules posted on the USAC website and listed verbatim below.

Waiver Requests. A waiver is a request to waive an FCC policy, rule, or deadline such as the Form 471 application filing window deadline. For example, if you missed the filing deadline for Form 471 because of extenuating circumstances, USAC cannot waive the deadline but you can ask the FCC to waive the rules in your case by filing a waiver request with the FCC. To file a waiver request, follow the instructions for Option B below. Please note that waivers are not granted often: only in special circumstances and when a deviation from the rules would serve the public interest. The waiver standard generally requires a showing of circumstances that could not be avoided even with careful planning.

Houston Gateway Academy, Inc. missed the 471 Application Filing Deadline due to extenuating circumstances beyond our control which caused us not to meet the filing window deadline. The contact person who is in charge of filing the 470 was in a terrible automobile accident and had to be out of the office for 8 weeks due to severe injuries sustained. This person is the only one who has knowledge regarding the ERate/USAC process and filing requirements. This person was out of the office from 01/11/2008 until 03/07/2008 and therefore could not complete the filing requirements. Because we are a charter school and funding is limited, there are no funds available to have a back up person for this position. We will train a second person to learn the filing requirements to prevent this from happening in the future.

The following is specific information regarding our agency. It names the contact person, billed entity numbers and all information pertinent to this request.

- Detailed contact information

Linda Rangel

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- Identify which USAC action you are appealing.
Funding Year 2008 Form 471
Postmarked Outside of Window
- Billed Entity Name - Houston Gateway Academy – Administration Building
- Form application number - 638386
- Funding Request Numbers - 1766976, 1766977, 1766978, 1766979, 1766980, 1766981, 1766983
- Billed Entity Numbers - 231555, 231553, 16046630.

An appeal request was submitted to the USAC Libraries Division for consideration, however, we were informed that the FCC rules do not allow USAC to consider requests for waivers. USAC advised us to direct the WAIVER REQUEST to you.

Therefore, we are requesting that you consider this request and we pray that you respond in a positive manner to grant our waiver. Without this funding, our school will not be able to provide quality services to the underserved, underprivileged children whom we serve. Our school is made up of 92% Hispanic, 90% economically disadvantaged and 42% LEP students. Denial of this funding request would certainly impair our ability to properly serve these students.

If you need any further information or have any more questions please direct your request to the contact person listed in this correspondence. We look forward to hearing from you in a positive manner.

Respectfully,

Richard Garza
RICHARD GARZA
CEO